

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

SYSTEM ONE HOLDINGS, L.L.C.,)	
)	
Plaintiff,)	2:07-cv-0132
v.)	
)	
RALPH H. HILL, JR., an individual, and)	
DIAMOND TECHNICAL SERVICES,)	
INC., a Pennsylvania corporation,)	
)	
Defendants.)	

ORDER OF COURT

AND NOW, this 22nd day of August, 2008, upon consideration of PLAINTIFF’S MOTION TO COMPEL DISCOVERY RESPONSES (Document No. 102), DEFENDANT DIAMOND TECHNICAL SERVICES, INC.’S RESPONSE TO PLAINTIFF’S MOTION TO COMPEL (Document No. 104), Defendant Ralph H. Hill, Jr.’s BRIEF IN RESPONSE TO PLAINTIFF’S MOTION TO COMPEL (Document No. 106), and the briefs of the parties, and after oral argument thereon, it is **ORDERED** as follows:

1. Plaintiff’s Motion to Compel is **GRANTED IN PART** and Defendant Diamond Technical Services, Inc., shall on or before September 8, 2008, answer the pending interrogatories and request for production of documents to the best of its ability and understanding of the request(s) in the context of the Verified Amended Complaint, in accordance with the following rulings on its objections:

Interrogatory 3 Objection **OVERRULED.**

Interrogatory 4 Objection **OVERRULED.**

Interrogatory 5	Objection SUSTAINED . Overbroad, burdensome, proprietary.
Interrogatory 6	Objection OVERRULED . Diamond Technical Services, Inc. may respond in combination form to Interrogatories 5 and 6, such that the information provided is limited to persons and/or companies who purchased or contracted to purchase services from Diamond in the referenced time period due to Hill's directions, communications, or contacts.
Interrogatory 7	Objection OVERRULED .
Interrogatory 9	Objection SUSTAINED . Overbroad, burdensome, proprietary, and beyond the time frame of the allegations in the Verified Amended Complaint.
Interrogatory 10	Objection OVERRULED .
Interrogatory 11	Objection OVERRULED .
Interrogatory 12	Objection OVERRULED .
Document Requests 3, 4, 5, 6, 8, 9, 10, 11, 17, 21, 23, 32, 33, 34, 35 and 36	Objections OVERRULED .
Document Requests 7, 18, 24, 25, 26, 27, 28, 29, 30	Objections SUSTAINED . Overbroad, burdensome and proprietary.

In responding, Diamond may restate very limited and specific objections and/or may invoke the provisions of the Protective Order of October 19, 2007, including “Attorneys Eyes Only” if applicable and appropriate given the sensitive and competitive nature of some of the information as the Court discussed with counsel at the oral argument. For information / documents for which the “Attorneys Eyes Only” limitation is invoked, Plaintiff shall not utilize said information/documents to propound additional discovery requests to any person or entity without prior authority from the Court upon good cause shown.

2. Plaintiff’s Motion to Compel is **GRANTED IN PART** and Defendant Ralph H. Hill, Jr. , shall on or before September 8, 2008 answer the pending interrogatories and request for production of documents to the best of his ability and understanding of the request(s) in the context of the Verified Amended Complaint, subject to the following rulings on his objections of which the Court is aware from his Brief in Response to Plaintiff’s Motion to Compel, and the representations of counsel at the oral argument:

Interrogatory No. 12 and 13:

Objection **SUSTAINED**. Overbroad, burdensome, proprietary, an infringement of non-parties’ privacy, and not likely to lead to the discovery of admissible evidence.

Document Request 13:

Objection **SUSTAINED**. Overbroad, burdensome, proprietary, an infringement of non-parties’ privacy, and not likely to lead to the discovery of admissible evidence

Document Request 32: Objection **OVERRULED**.

Document Request 44:

Objection **SUSTAINED**. Overbroad, burdensome, unreasonable time frame, not likely to lead to the discovery of admissible evidence, and said documents should be in the possession of Plaintiff.

Document Request 47:

Objection **SUSTAINED**. Overbroad, burdensome, proprietary, an infringement of non-parties' privacy, and not likely to lead to the discovery of admissible evidence.

The parties must recognize and appreciate that Defendant Hill is an employee of Diamond Technical Services, Inc., and may have limitations on providing information and/or documents which are within the possession, control and domain of his employer.

BY THE COURT:

s/ Terrence F. McVerry
United States District Court Judge

cc: Eric S. Newman, Esquire
Cohen & Grigsby
Email: enewman@cohenlaw.com

Robert M. Linn, Esquire
Cohen & Grigsby
Email: rlinn@cohenlaw.com

Stuart H. Sostmann, Esquire
Marshall, Dennehey, Warner, Coleman & Goggin
Email: shsostmann@mdwgc.com

Teresa O. Sirianni, Esquire
Marshall, Dennehey, Warner, Coleman & Goggin
Email: tosirianni@mdwgc.com

Carl E. Harvison, Esquire
Cipriani & Werner
Email: charvison@c-wlaw.com